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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/781,784      | 02/20/2004  | Shinichi Fujimoto    | FJ-2003-055-US      | 6153             |

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| EXAMINER |
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GILES, NICHOLAS G

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| ART UNIT | PAPER NUMBER |
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2622

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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/781,784 | <b>Applicant(s)</b><br>FUJIMOTO, SHINICHI |  |
|                              | <b>Examiner</b><br>Nicholas G. Giles | <b>Art Unit</b><br>2622                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/06/2007</u> .  | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims **1 and 2** are rejected under 35 U.S.C. 102(e) as being anticipated by Koide et al. (U.S. Patent No. 6,870,566).

Regarding claim **1**, Koide et al. discloses:

An electronic camera in which an analog signal output from an image pickup device is AD-converted and digital processing is performed on the AD-converted signal on the basis of a basic operating clock (TG), said camera comprising: clock change device of changing the frequency of the basic operating clock (17:23-37); and control device of controlling the clock change device so that the frequency of the basic operating clock

is reduced at the time of AD conversion of a still image output from the image pickup device (17:23-37 and Fig. 9).

Regarding claim 2, see the rejection of claim 1 and note that Koide et al. further discloses:

Photometry device of measuring the brightness of a subject (illuminance), wherein said control device controls the clock change device so that the frequency of the basic operating clock is reduced when it is determined that the brightness of the subject measured by said photometry device is lower than a predetermined brightness (17:23-37 and Fig. 9).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. (U.S. Patent No. 5,838,373).

Regarding claim 1, Hasegawa et al. discloses:

An electronic camera in which an analog signal output from an image pickup device is AD-converted and digital processing is performed on the AD-converted signal on the basis of a basic operating clock, said camera comprising: clock change device of changing the frequency of the

basic operating clock (A/D drive 122); and control device of controlling the clock change device so that the frequency of the basic operating clock is reduced at the time of AD conversion of a still image output from the image pickup device (7:30-44 and Fig. 1, the clock is reduced for A/D conversion).

Regarding claim 3, see the rejection of claim 1 and note that Hasegawa et al. discloses:

Photography mode selecting device of selecting a desired photography mode from a plurality of photography modes, wherein said control device controls the clock change device so that the frequency of the basic operating clock is reduced only when a particular one of the photography modes is selected by said photography mode selecting device (7:30-44 and Fig. 1, the clock is reduced in the second mode).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koide et al. in view of Smitt (U.S. Patent No. 5,502,578).

Regarding claim 5, see the rejection of claim 1 and note that Koide et al. is silent with regards to an A/D converted signal being transferred from one line memory to RAM and then a second line memory to RAM of a still frame. Smitt discloses transferring one line of memory from the A/D converter to RAM of a still frame in 6:47-55, 3:21-57 and Fig. 2 where an eight bit word of RAM can be seen being transfer from the A/D converter to RAM. Transferring eight bits means there is a memory for storing a line of data. An advantage to doing this is that the RAM can be read out and used by the controller as Smitt discloses in 3:58-60. For this reason it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Koide et al. include transferring one line of memory from the A/D converter to RAM of a still frame.

Koide and Smitt are silent with regards to using two line memories. Official Notice is taken that it was well known at the time the invention was made to using a pipelining architecture in image processing to include two line memories. An advantage to doing so is that, just like a pipeline, when one memory is being accessed for readout and processing by the processor, another line can be read into the other memory like a buffer so that the processor can immediately access the second memory when it is finished with the first instead of having to wait for the first memory to read another line. For this reason it would have been obvious to one of ordinary skill in the art at the time the invention was made to use two line memories.

***Allowable Subject Matter***

7. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, no prior art could be located that teaches or fairly suggests changing the basic operating clock frequency to be lower based on the ISO speed in combination with the rest of the limitations of the claim.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas G. Giles whose telephone number is (571) 272-2824. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7273. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGG



LIN YE  
SPE. ART. UNIT 2622